

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ERIK LAMAR LEWIS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:13-cv-194(DCB)(MTP)

RAYMOND BYRD, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on the Motion to Enforce Settlement Agreement (**docket entry 38**) filed by the plaintiff, Erik Lamar Lewis. The Court, having carefully considered the motion, finds as follows:

The plaintiff filed the instant action pursuant to 42 U.S.C. § 1983 on or about September 30, 2013. In his Complaint, and as clarified at the omnibus hearing held by Magistrate Judge Michael T. Parker on May 23, 2014, the plaintiff alleges that his property was wrongly confiscated while he was incarcerated at the Wilkinson County Correctional Facility. See Complaint (docket entry 1); Omnibus Order (docket entry 19). On June 24, 2015, the parties reached a settlement, whereby the defendants agreed to pay \$550 to the Plaintiff. Specifically, \$220.19 was to be paid to the plaintiff, and \$329.81 was to be paid directly to the clerk of court to satisfy the remaining balance of the filing fee for this action. See Final Judgment (docket entry 37); Settlement Agreement (docket entry 40-1).

In the instant motion, the plaintiff complains that the defendants took approximately three and a half months to fulfill the terms of the settlement agreement and pay him his portion of the settlement. He admits, however, that he has been paid the \$220.19 in full. See Motion (docket entry 38). He further alleges that the defendants have failed to pay the remaining balance of his filing fee. The plaintiff also states that he has been wrongfully charged nearly \$100 in court fees since the dismissal of this action. See Motion (docket entry 38).

In response, the defendants state that they sent a check for \$329.81 to the clerk of court on August 4, 2015, a copy of which the defendants offer as a supporting exhibit. See Response (docket entry 40); Letter and Payment (docket entry 40-2). The docket reflects that the filing fee was paid in full two days later on August 6, 2015. See Docket Entry dated August 6, 2015.

After the plaintiff's motion was filed, the defendants made an inquiry with a representative of the court clerk's office, who confirmed that the filing fee had been paid in full in this matter. See E-mail (docket entry 40-4). There is no indication in the record that any wrongful charges, as alleged by the plaintiff, have occurred.

The Court therefore finds that all payments required by the Settlement Agreement have been paid by the defendants, and that the plaintiff's motion shall be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff's Motion to Enforce Settlement Agreement (**docket entry 38**) is DENIED AS MOOT.

SO ORDERED, this the 2nd day of June, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE